

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-0790-AIR-E TCEQ ID: RN100218130 CASE NO.: 35873**  
**RESPONDENT NAME: HOUSTON REFINING LP**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING.</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 12000 Lawndale Street, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Petroleum refinery</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired October 12, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Air Enforcement Section, MC R-12, (713) 422-8938 TCEQ Regional Contact: Ms. Linda Vasse, Houston Regional Office, MC R-12, (713) 767-3637 TCEQ Bankruptcy Program: Ms. Denise Hubert, Bankruptcy Program Manager, MC 132, (512) 239-6812 Respondent: Ms. Michelle Roberson, HSSE Manager, Houston Refining LP, 12000 Lawndale Street, Houston, TX 77017-2740 Respondent's Attorney: Ms. Jennifer Keane, Baker Botts L.L.P., 98 San Jacinto, Suite 1500, Austin, TX 78701</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p> <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review         </p> <p><b>Date of Complaint Relating to this Case:</b> N/A</p> <p><b>Dates of Investigation Relating to this Case:</b> November 5, 2007 – December 19, 2007</p> <p><b>Date of NOE Relating to this Case:</b> April 8, 2008</p> <p><b>Background Facts:</b> The EDRP was filed October 22, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on July 31, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent has not submitted documentation to certify compliance with the technical requirements.</p> <p><b>AIR:</b></p> <ol style="list-style-type: none"> <li>Failed to install, operate, and maintain a fixed roof and closed vent system to route organic vapor from the solids collection hoppers used in the material recovery and recycling operations operated by a contractor at the refinery [30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 61.343(a)(1), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>Failed to keep records for the material recovery and recycling operations in accordance with 40 CFR Part 61 Subpart FF [30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 61.356(a), (d), (f)(2)(i)(G) and (g), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> </ol>	<p><b>Initial Calculated Penalty:</b> \$37,950</p> <p><b>Total Deferred:</b> \$0</p> <p> <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset         </p> <p><b>Total Due to General Revenue:</b> \$37,950</p> <p>The Respondent has not paid any of the assessed penalty, but may be required to do so under the terms of this Order upon judicial determination specifically holding that the debt is non-dischargeable under Federal bankruptcy laws (11 USC § 523(a)(7)), or until the bankruptcy case has been dismissed.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High    <input checked="" type="checkbox"/> Average    <input type="checkbox"/> Poor         </p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High    <input checked="" type="checkbox"/> Average    <input type="checkbox"/> Poor         </p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action Taken:</b></p> <p>The Executive Director recognizes that the Respondent installed a fixed roof on the solids collection hoppers and routed associated organic vapors to a closed vent system, which was completed on August 1, 2008.</p> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 180 days, identify and implement measures to ensure that all the applicable recordkeeping and control requirements of 40 CFR Part 61 Subpart FF are being met for the materials recovery and recycling operations operated by the contractor.</li> <li>Within 195 days, submit written certification demonstrating compliance.</li> </ol>



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision April 29, 2008

TCEQ

<b>DATES</b>	Assigned	14-Apr-2008			
	PCW	18-May-2009	Screening	5-May-2008	EPA Due 3-Jan-2009

## RESPONDENT/FACILITY INFORMATION

Respondent	Houston Refining LP		
Reg. Ent. Ref. No.	RN100218130		
Facility/Site Region	12-Houston	Major/Minor Source	Major

## CASE INFORMATION

Enf./Case ID No.	35873	No. of Violations	2
Docket No.	2008-0790-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Kimberly Morales
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$7,500**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **406.0% Enhancement** **Subtotals 2, 3, & 7** **\$30,450**

Notes

Penalty enhancement due to 12 Notices of Violations ("NOVs") issued for the same or similar violations, 11 NOVs issued for unrelated violations of which seven were self-reported effluent violations, five orders containing a denial of liability, eight orders without a denial of liability, one court order with denial of liability. Penalty reduction for four Notice of Audit letters submitted and one Disclosure of Violation.

Culpability

No

0.0% Enhancement

**Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0.0% Reduction

**Subtotal 5** **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0.0% Enhancement\*

**Subtotal 6** **\$0**

Total EB Amounts \$496

Approx. Cost of Compliance \$10,000

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

**Final Subtotal** **\$37,950**

## OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

**Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$37,950**

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** **\$37,950**

## DEFERRAL

0.0%

**Reduction Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral because this is not expedited settlement.

## PAYABLE PENALTY

**\$37,950**

Screening Date 5-May-2008

Docket No. 2008-0790-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35873

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	12	60%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	5	100%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	8	200%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	1	30%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 406%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to 12 Notices of Violations ("NOVs") issued for the same or similar violations, 11 NOVs issued for unrelated violations of which seven were self-reported effluent violations, five orders containing a denial of liability, eight orders without a denial of liability, one court order with denial of liability. Penalty reduction for four Notice of Audit letters submitted and one Disclosure of Violation.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 406%

<b>Screening Date</b> 5-May-2008		<b>Docket No.</b> 2008-0790-AIR-E		<b>PCW</b>
<b>Respondent</b> Houston Refining LP		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 35873		<small>PCW Revision April 29, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN100218130				
<b>Media [Statute]</b> Air				
<b>Enf. Coordinator</b> Kimberly Morales				
<b>Violation Number</b>		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: center;">1</div>		
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 101.20(2), 40 Code of Federal Regulations (CFR) Part 61.343(a)(1) and Tex. Health &amp; Safety Code § 382.085(b)</div>		
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 2px;">Failed to install, operate, and maintain a fixed roof and closed vent system to route organic vapor from the solids collection hoppers used in the material recovery and recycling operations operated by a contractor at the refinery.</div>		
<b>Base Penalty</b>				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$10,000</div>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<b>Actual</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>
	<b>Potential</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
				<b>Percent</b> <div style="border: 1px solid black; padding: 2px; width: 50px; text-align: right;">25%</div>
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
				<b>Percent</b> <div style="border: 1px solid black; padding: 2px; width: 50px; text-align: right;">0%</div>
<b>Matrix Notes</b>		<div style="border: 1px solid black; padding: 2px;">Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>		
<b>Adjustment</b>				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$7,500</div>
				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$2,500</div>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">2</div>	<b>Number of violation days</b> <div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">151</div>	
<small>mark only one with an x</small>	<b>daily</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Violation Base Penalty</b> <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$5,000</div>	
	<b>monthly</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	<b>quarterly</b>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">X</div>		
	<b>semiannual</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	<b>annual</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
	<b>single event</b>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
Two quarterly events are recommended from December 6, 2007 investigation to the May 5, 2008 screening.				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$248</div>	<b>Violation Final Penalty Total</b> <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$25,300</div>	
			<b>This violation Final Assessed Penalty (adjusted for limits)</b> <div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$25,300</div>	

**Economic Benefit Worksheet****Respondent** Houston Refining LP**Case ID No.** 35873**Reg. Ent. Reference No.** RN100218130**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	5-Nov-2007	1-Nov-2008	0.99	\$248	n/a	\$248

**Notes for DELAYED costs**

Estimated cost for bringing unit into compliance. Date required based on the date the violation was documented.  
Final date based on the date the corrective actions are expected to be completed.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$248

Screening Date 5-May-2008

Docket No. 2008-0790-AIR-E

PCW

Respondent Houston Refining LP

Policy Revision 2 (September 2002)

Case ID No. 35873

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN100218130

Media [Statute] Air

Enf. Coordinator Kimberly Morales

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.20(2), 40 CFR Part 61.356(a), (d), (f)(2)(i)(G) and (g) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to keep records for the material recovery and recycling operations in accordance with 40 CFR Part 61 Subpart FF. Specifically, Houston Refining failed to identify waste streams subject to this subpart, failed to maintain engineering design documentation for control equipment, failed to keep records for the operation of the carbon absorption system including design analysis, vent stream composition and flow rate required by 40 CFR Part 61.356(f)(2)(i)(G) and failed to keep records for visual inspections required by 40 CFR Part 61.343 through 61.347.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

The Respondent has not met at least 70% of the rule requirement.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

151 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$248

Violation Final Penalty Total \$12,650

This violation Final Assessed Penalty (adjusted for limits) \$12,650

## Economic Benefit Worksheet

**Respondent:** Houston Refining LP  
**Case ID No.:** 35873  
**Reg. Ent. Reference No.:** RN100218130  
**Media:** Air  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	5-Nov-2007	1-Nov-2008	0.99	\$248	n/a	\$248

Notes for DELAYED costs

Estimated cost for compiling and maintaining records. Date required based on the date of investigation. Final date based on the date the corrective actions are expected to be completed.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$248



## Compliance History

Customer/Respondent/Owner-Operator:	CN601313083	HOUSTON REFINING, L.P.	Classification: AVERAGE	Rating: 7.39
Regulated Entity:	RN100218130	HOUSTON REFINING	Classification: AVERAGE	Site Rating: 7.45

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0048L
	AIR OPERATING PERMITS	PERMIT	1372
	AIR NEW SOURCE PERMITS	PERMIT	2167
	AIR NEW SOURCE PERMITS	PERMIT	3844
	AIR NEW SOURCE PERMITS	PERMIT	26987
	AIR NEW SOURCE PERMITS	PERMIT	31955
	AIR NEW SOURCE PERMITS	PERMIT	38735
	AIR NEW SOURCE PERMITS	PERMIT	44938
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0048L
	AIR NEW SOURCE PERMITS	REGISTRATION	54769
	AIR NEW SOURCE PERMITS	REGISTRATION	55719
	AIR NEW SOURCE PERMITS	REGISTRATION	75386
	AIR NEW SOURCE PERMITS	AFS NUM	4820100040
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX985
	AIR NEW SOURCE PERMITS	REGISTRATION	71613
	AIR NEW SOURCE PERMITS	REGISTRATION	74743
	AIR NEW SOURCE PERMITS	REGISTRATION	76934
	AIR NEW SOURCE PERMITS	REGISTRATION	78506
	AIR NEW SOURCE PERMITS	REGISTRATION	80698
	AIR NEW SOURCE PERMITS	REGISTRATION	43445
	AIR NEW SOURCE PERMITS	REGISTRATION	46595
	AIR NEW SOURCE PERMITS	REGISTRATION	49678
	AIR NEW SOURCE PERMITS	REGISTRATION	50839
	AIR NEW SOURCE PERMITS	REGISTRATION	56586
	AIR NEW SOURCE PERMITS	REGISTRATION	71380
	AIR NEW SOURCE PERMITS	REGISTRATION	81566
	AIR NEW SOURCE PERMITS	REGISTRATION	84563
	AIR NEW SOURCE PERMITS	REGISTRATION	84606
	WASTEWATER	PERMIT	WQ0000392000
	WASTEWATER	PERMIT	TPDES0003247
	WASTEWATER	EPA ID	TPDES0003247
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011570
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD082688979
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50106
	WATER LICENSING	LICENSE	1011570
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30092
	INDUSTRIAL AND HAZARDOUS WASTE POST CLOSURE	PERMIT	50106
	INDUSTRIAL AND HAZARDOUS WASTE COMPLIANCE PLANS	PERMIT	50106

Location:	12000 LAWDALE ST, HOUSTON, TX, 77017	Rating Date: 9/1/2007 Repeat Violator: NO
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TCEQ Region:	REGION 12 - HOUSTON
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Date Compliance History Prepared:	June 27, 2008
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Agency Decision Requiring Compliance History:	Enforcement
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Compliance Period:	May 05, 2003 to May 05, 2008
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TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:	NHameed	Phone:	713-767-3629
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### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance            | Yes |

period?

3. If Yes, who is the current owner?

HOUSTON REFINING, L.P.

Arco Pipe Line Company

4. If Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

**Components (Multimedia) for the Site :**

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/07/2003

ADMINORDER 2002-1040-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to monitor 368 valves in the Benzene and Toluene Unit in VOC service.

Effective Date: 12/05/2003

COURTORDER

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.4

30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: SC 1 PERMIT

Description: Emissions of sulfur dioxide and hydrogen sulfide into the air at such concentration as to adversely affect human health or welfare or as to interfere with the reasonable use and enjoyment of property.

Effective Date: 07/01/2004

ADMINORDER 2003-1418-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Allowed an unauthorized release of SO<sub>2</sub>, H<sub>2</sub>S, and SO<sub>3</sub> from the Sulfur Recovery Complex. Specifically, an emissions event occurred on December 19, 2002 which resulted in excess emissions of 85,009 lbs of SO<sub>2</sub>, 1,869 lbs of H<sub>2</sub>S, and 2,426 lbs of SO<sub>3</sub>.

Effective Date: 04/10/2005

ADMINORDER 2004-0866-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PSD-TX-985, Special Condition 1 PERMIT

Description: Exceeded VOC emissions limit for TCEQ Flexible Permit #2167 during an emissions event.

Effective Date: 08/07/2005

ADMINORDER 2004-2002-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to submit the initial report for the reportable emission event that occurred on September 1, 2004 in a timely manner.

Effective Date: 12/15/2005

ADMINORDER 2005-1172-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit No. 2167, SC #1. PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/05/2006

ADMINORDER 2005-0754-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.716(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 1 PERMIT

Description: Failed to comply with permitted emissions limits.

Effective Date: 02/20/2006

ADMINORDER 2005-0359-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #2 PA  
Flexible Permit #2167, SC#26 PA

Description: Failed to limit the hydrogen sulfide ("H2S") concentration in the fuel gas to no more than 160 parts per million ("ppm") on a three-hour rolling average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #44B PA

Description: Failed to operate the Wet Gas Scrubber (EPN 732 COB) at a minimum pressure drop across the scrubber of 0.91 pounds per square inch ("psi") and at a minimum liquid-to-gas ratio ("L/G") of 16.0 gallons per 1,000 actual cubic feet.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #2 PA

Description: Failed to maintain a maximum hourly average carbon monoxide ("CO") concentration of no more than 500 parts per million volume ("ppmv") from the FCCU Catalyst Regenerator Stack (EPN 732-COB)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 47 PERMIT

Description: Failed to note daily flare observations in the Flare Observation Log and failed to maintain monitoring records for a flare's pilot flame.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #14.I PA

Description: Failed to repair three valves within 15 days of leak detection

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #37 PA

Description: Failed to maintain the sulfur dioxide ("SO2") concentration in the exhaust gas of the #435 and #440 Tail Gas Thermal Oxidizers (EPNs TGU-1CN and TGU-1CN2) below 235 ppmv on a one-hour average basis.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 115, SubChapter B 115.114(a)(1)  
30 TAC Chapter 115, SubChapter B 115.114(a)(2)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(iii)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #4 PA

Description: Failed to conduct the required inspections for three storage tanks.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 06/15/2006

ADMINORDER 2005-2073-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 02/05/2007

ADMINORDER 2006-0811-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions on November 7, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions on March 21, 2006.

Effective Date: 08/10/2007

ADMINORDER 2007-0440-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 10,494 pounds ("lbs") of sulfur dioxide, 126 lbs of carbon monoxide and 22 lbs of hydrogen sulfide were released from the Magnaformer Unit and the Sulfur Recovery Complex during an emissions event that began January 4, 2007 and lasted nine hours and 45 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 1,431 pounds ("lbs") of propane, 510 lbs of propylene and 11 lbs of butenes were released from Unit 234 during an avoidable emissions event that began January 9, 2007 and lasted eight hours.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 8,205 pounds of the Highly Reactive Volatile Organic Compound ethylene were released from the Paraxylene Recovery Unit during an avoidable emissions event that began January 16, 2007 and lasted one hour and 55 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to properly report the amount of ethylene emissions. Specifically, the final notification reported 7,650 lbs of ethylene were released as a result of the January 16, 2007 emissions event and the investigation determined that the actual emissions released were 8,205 lbs of ethylene.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 189 lbs of propane, 530 lbs of propylene, 821 lbs of butanes, 1,064 lbs of butenes, 3,154 lbs of pentanes, 2,589 lbs of pentenes and 13,734 lbs of C6+ Hazardous Air Pollutants ("HAP") were released from the 732 Fluid Catalytic Cracking Unit ("FCCU") during

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions. Specifically, 72 lbs of ethylene, 2,195 lbs of propane, 7,057 lbs of propylene, 11,000 lbs of butanes, 8,990 lbs of butenes, 4,110 lbs of pentanes and 23,328 lbs of C6+ HAPs were released from the 732 FCCU during an avoidable emissions event that began March 5, 2007

Effective Date: 10/04/2007

ADMINORDER 2007-0713-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Houston Refining released 1,830 lbs of SO2 from the Sulfur Recovery Complex during an avoidable emissions event that began April 3, 2007 and lasted one hour and 30 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, Exxon released 54,320 lbs of sulfur dioxide, 700 lbs of sulfur trioxide, 596 lbs of hydrogen sulfide, 304 lbs of ammonia and 76 lbs nitric oxide from the Sulfur Recovery Unit during an avoidable emissions event that began April 21, 2007 and lasted 16 hours and 45 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)  
5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to submit an initial notification within 24 hours of the discovery of the April 21, 2007 emissions event. Specifically, the report, which was due April 22, 2007, was not submitted until April 26, 2007.

Effective Date: 12/20/2007

ADMINORDER 2006-1948-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Permit #2167, SC#1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit #2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: TCEQ Flexible Permit No. 2167, SC #1 PERMIT

Description: Failed to prevent unauthorized emissions on October 2, 2006, when a console operator inadvertently opened the wrong valve, resulting in an emissions event that released 2,608.50 pounds of sulfur dioxide and lasted for one hour ( Incident No. 82077)

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/13/2003	(294606)
2	06/16/2003	(294608)
3	07/07/2003	(294610)
4	07/31/2003	(35420)
5	08/04/2003	(144785)
6	08/06/2003	(144511)
7	08/12/2003	(294612)
8	08/18/2003	(112865)
9	09/10/2003	(294614)
10	10/14/2003	(294616)
11	11/07/2003	(21204)
12	11/12/2003	(294617)
13	12/16/2003	(294618)
14	01/05/2004	(252510)
15	01/08/2004	(294619)
16	01/30/2004	(258069)
17	02/03/2004	(252543)
18	02/09/2004	(294599)
19	02/23/2004	(4691)
20	02/24/2004	(263274)
21	02/29/2004	(262038)
22	03/09/2004	(294603)
23	04/16/2004	(294604)
24	05/14/2004	(264609)
25	05/20/2004	(351815)
26	05/27/2004	(143412)
27	06/14/2004	(351816)
28	07/22/2004	(351817)
29	08/11/2004	(286666)
30	08/11/2004	(288389)
31	08/11/2004	(287948)
32	08/16/2004	(260979)
33	08/16/2004	(260585)
34	08/16/2004	(351818)
35	08/19/2004	(261725)
36	08/24/2004	(271493)
37	08/31/2004	(271505)
38	08/31/2004	(289666)
39	08/31/2004	(292409)
40	09/01/2004	(276631)
41	09/15/2004	(351819)
42	10/15/2004	(282886)
43	10/18/2004	(351820)
44	10/19/2004	(335898)
45	10/19/2004	(336015)
46	11/11/2004	(290238)
47	11/11/2004	(292704)
48	11/11/2004	(291091)
49	11/14/2004	(271509)
50	11/18/2004	(340059)
51	11/18/2004	(351821)
52	11/22/2004	(341679)
53	12/03/2004	(269989)
54	12/07/2004	(341250)
55	12/09/2004	(342162)
56	12/14/2004	(342195)
57	12/16/2004	(285369)
58	12/27/2004	(351822)
59	12/28/2004	(278159)
60	01/18/2005	(381702)
61	01/28/2005	(345654)
62	02/02/2005	(347718)
63	02/15/2005	(381700)
64	03/16/2005	(347527)
65	03/21/2005	(381701)

66	03/29/2005	(375273)
67	04/14/2005	(376977)
68	04/14/2005	(372794)
69	04/18/2005	(419493)
70	04/19/2005	(376798)
71	04/22/2005	(349552)
72	05/02/2005	(372107)
73	05/03/2005	(376226)
74	05/20/2005	(381195)
75	05/24/2005	(419494)
76	05/25/2005	(379525)
77	05/26/2005	(337173)
78	05/26/2005	(349881)
79	06/07/2005	(395018)
80	06/20/2005	(419495)
81	06/21/2005	(379593)
82	07/07/2005	(379524)
83	07/22/2005	(400281)
84	07/25/2005	(419496)
85	08/15/2005	(404916)
86	08/18/2005	(404363)
87	08/18/2005	(404331)
88	08/24/2005	(405604)
89	08/24/2005	(405556)
90	08/24/2005	(440650)
91	08/25/2005	(404773)
92	09/19/2005	(440651)
93	10/10/2005	(431795)
94	10/10/2005	(468144)
95	10/28/2005	(432450)
96	10/31/2005	(432333)
97	11/07/2005	(468145)
98	11/23/2005	(435308)
99	12/02/2005	(431511)
100	12/28/2005	(434541)
101	01/19/2006	(468146)
102	02/01/2006	(468142)
103	02/25/2006	(456998)
104	02/25/2006	(457020)
105	02/25/2006	(457004)
106	02/28/2006	(457235)
107	03/17/2006	(468143)
108	04/10/2006	(498011)
109	04/20/2006	(437368)
110	04/27/2006	(439800)
111	05/10/2006	(498012)
112	05/31/2006	(480504)
113	05/31/2006	(480500)
114	05/31/2006	(480503)
115	05/31/2006	(480506)
116	05/31/2006	(480494)
117	06/14/2006	(479843)
118	06/15/2006	(498013)
119	06/15/2006	(481316)
120	06/15/2006	(461559)
121	06/29/2006	(458901)
122	06/30/2006	(469140)
123	07/17/2006	(485790)
124	07/26/2006	(520029)
125	07/28/2006	(463199)
126	08/08/2006	(489220)
127	08/11/2006	(520030)
128	08/18/2006	(396831)
129	09/11/2006	(574927)
130	09/11/2006	(489202)
131	10/06/2006	(489212)
132	10/12/2006	(544276)
133	10/30/2006	(511654)

134	11/21/2006	(544277)
135	12/11/2006	(574928)
136	01/08/2007	(574929)
137	01/09/2007	(532009)
138	01/25/2007	(512685)
139	02/02/2007	(435323)
140	02/02/2007	(511662)
141	02/05/2007	(536476)
142	02/08/2007	(512678)
143	02/16/2007	(574922)
144	02/22/2007	(510814)
145	02/23/2007	(511980)
146	03/16/2007	(574923)
147	03/21/2007	(539194)
148	03/21/2007	(539188)
149	03/21/2007	(539192)
150	04/04/2007	(554793)
151	04/04/2007	(554809)
152	04/13/2007	(574924)
153	04/20/2007	(556941)
154	04/24/2007	(557537)
155	04/30/2007	(554360)
156	05/04/2007	(556720)
157	05/09/2007	(554980)
158	05/15/2007	(574925)
159	05/29/2007	(559572)
160	06/14/2007	(574926)
161	07/03/2007	(563761)
162	07/12/2007	(619397)
163	07/20/2007	(561274)
164	07/25/2007	(566621)
165	08/13/2007	(601490)
166	08/17/2007	(570286)
167	08/23/2007	(570387)
168	08/28/2007	(570635)
169	09/07/2007	(573978)
170	09/14/2007	(601491)
171	09/27/2007	(595742)
172	10/08/2007	(619398)
173	10/10/2007	(594976)
174	10/17/2007	(567541)
175	10/18/2007	(566919)
176	10/19/2007	(598478)
177	10/25/2007	(596179)
178	11/06/2007	(619399)
179	11/09/2007	(599574)
180	12/04/2007	(600555)
181	12/10/2007	(619400)
182	12/21/2007	(610028)
183	01/15/2008	(612806)
184	01/15/2008	(671905)
185	01/18/2008	(609373)
186	01/25/2008	(613320)
187	01/28/2008	(616032)
188	01/29/2008	(611265)
189	02/11/2008	(671904)
190	03/03/2008	(616148)
191	04/07/2008	(617770)
192	04/08/2008	(595524)
193	04/22/2008	(640670)
194	04/22/2008	(639660)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/18/2003 (112865)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: During this investigation, it was found LCR failed to provide proper notification of



all current solid waste activities to the TCEQ.

Date: 02/03/2004 (252543)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT 2167, Special Condition #1

Description: Lyondell failed to comply with the Special Conditions of permit 2167. Improper trim adjustment on a control valve caused temperature and pressure to increase above the PSV setpoint.

Date: 02/29/2004 (262038)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT #2167, SC #1

Description: Lyondell exceeded permit limits during an emissions event.

Date: 05/14/2004 (264609)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Permit #2167, Special Condition #1

Description: Exceeded VOC permit limit during an emissions event.

Date: 08/16/2004 (260585)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ FLEXIBLE AIR PERMIT 2167, SC #1

Description: Exceeded VOC permit limit during an avoidable emissions event.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to submit an administratively complete final emissions event report.

Date: 08/16/2004 (260979)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)

Description: Failure to comply with emissions events reporting requirements.

Date: 08/18/2004 (261725)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(8)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT TCEQ Flexible Air Permit #2167, SC #1

Description: Failure to submit an administratively complete final emissions event report.

Date: 11/14/2004 (271509)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: PERMIT Flexible No. 2167 and PSD-TX-985, S.C. 1

Description: Exceeded VOC permit limits during an avoidable emissions event.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

Description: Failure to submit a final report within 14 days of the end of an emissions event.

Date: 11/30/2004 (351822)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/09/2004 (342162)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: PA Special Condition #1

Description: Failure to control unauthorized emissions.

Date: 05/02/2005 (372107)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to record the times of operation for testing and maintenance for diesel engines subject to the restriction on hours of operation.  
Date: 05/26/2005 (379525)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to control knockout pot level on south compressor.  
Date: 07/06/2005 (379524)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT Special Condition 15E  
Description: Failed to keep a cap or plug on open-ended line ID # 501010 and open-ended valve # 614862.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: PERMIT Special Condition 15E  
Description: Failed to keep a cap or plug on open-ended valves ID # 501010 and # 270505.  
Date: 07/31/2005 (440650)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 06/13/2006 (479843)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC #1  
Description: Lyondell failed to prevent the "Y Train" from overpressuring.  
Date: 06/30/2006 (520029)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 07/31/2006 (520030)  
Self Report? YES Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 08/01/2006 (463199)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
Rqmt Prov: PA 2167 and PSD-TX-985, SC 15E  
Description: Failure to cap/plug open-ended line  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)  
Description: Leaking plug associated with valve #802412.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 115, SubChapter D 115.354(2)(C)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)  
Rqmt Prov: PA 2167 and PSD-TX-985, SC 15F  
Description: Failure to monitor valves  
Date: 08/09/2006 (489220)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter D 382.085(b)  
 Rqmt Prov: PERMIT TCEQ Flexible Permit #2167, SC#1  
 Description: Failure to prevent the disconnection of a pressure indication instrument.  
 Date: 08/18/2006 (396831)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: PERMIT Flexible Permit No. 2167, SC #1.  
 Description: The RE failed to prevent unauthorized emissions from a leaking pipe.  
 Date: 10/31/2006 (544277)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/31/2007 (601491)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 09/30/2007 (619398)  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 01/05/2004 (263563)  
 No DOV Associated  
 Notice of Intent Date: 08/15/2007 (574133)  
 No DOV Associated  
 Notice of Intent Date: 09/05/2007 (595042)  
 Disclosure Date: 02/13/2008  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 Rqmt Prov: PERMIT 2167 SC 14E, 15E,  
 Description: Failure to provide seals for open ended lines that contain VOCs.  
 Disclosure Date: 04/03/2008  
 Viol. Classification: Major  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
 Rqmt Prov: PERMIT 2167 SC 14E, 15E,  
 Description: Failure to provide seals for open ended lines that contain VOCs.  
 Notice of Intent Date: 10/04/2007 (598208)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
HOUSTON REFINING LP  
RN100218130**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2008-0790-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Refining LP ("Houston Refining") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Houston Refining represented by Jennifer Keane of the law firm of BAKER BOTTS, L.L.P., appear before the Commission and together stipulate that:

1. Houston Refining owns and operates a petroleum refinery at 12000 Lawndale Street in Houston, Harris County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Houston Refining agree that the Commission has jurisdiction to enter this Agreed Order, and that Houston Refining is subject to the Commission's jurisdiction.
4. Houston Refining received notice of the violations on or about April 13, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Houston Refining of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. On January 6, 2009, Houston Refining together with certain other subsidiaries and affiliates of Lyondell Chemical Company, filed with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the "Code"). In re Lyondell Chemical

Company, et al., Case No. 09-10023 (REG) (Chapter 11) (Bankr. S.D.N.Y.) (the "Bankruptcy Case"). The automatic stay imposed by the Code (specifically, 11 U.S.C. § 362 (a)) does not apply to the commencement or continuation of an action or a proceeding by a governmental unit to enforce such governmental unit's police and regulatory power, including the enforcement of a judgment other than a money judgment obtained in such action or proceeding, by virtue of the exception provided in 11 U.S.C. § 362 (b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 U.S.C. § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's environmental protection laws, and in seeking to liquidate its damages for such violations, including the assessment of Houston Refining of the administrative penalty in the amount of thirty seven thousand nine hundred fifty dollars (\$37,950) in settlement of the violations alleged in Section II ("Allegations"). TCEQ shall not seek to collect such penalty except in accordance with applicable Bankruptcy law. Houston Refining agrees to stipulate that, in accordance with this Agreed Order, TCEQ shall have an allowed general unsecured claim in the amount of thirty seven thousand nine hundred fifty dollars (\$37,950), which shall be paid in accordance with the terms prescribed in the plan of reorganization approved by the Bankruptcy Court or liquidation.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Houston Refining agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Houston Refining installed a fixed roof on the solids collection hoppers and routed associated organic vapors to a closed vent system, which was completed on August 1, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Houston Refining has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

During an investigation conducted on November 5 through December 19, 2007, a TCEQ Houston Regional Office investigator documented that Houston Refining violated:

- a. 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 61.343(a)(1), and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to install, operate, and maintain a fixed roof and closed vent system to route organic vapor from the solids collection hoppers used in the material recovery and recycling operations operated by a contractor at the refinery.
- b. 30 TEX. ADMIN. CODE § 101.20(2), 40 CFR § 61.356(a), (d), (f)(2)(i)(G) and (g) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to keep records for the material recovery and recycling operations in accordance with 40 CFR Part 61 Subpart FF. Specifically, Houston Refining failed to identify waste streams subject to this subpart, failed to maintain engineering design documentation for control equipment, failed to keep records for the operation of the carbon absorption system including design analysis, vent stream composition and flow rate required by 40 CFR § 61.356(f)(2)(i)(G) and failed to keep records for visual inspections required by 40 CFR § 61.343 through § 61.347.

## III. DENIALS

Houston Refining generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Houston Refining be assessed an administrative penalty as set forth in Section I, Paragraph 6 above. The assessment of this administrative penalty and Houston Refining's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Subject to the provisions of Section 1, Paragraph 6 above, which are expressly incorporated herein, TCEQ shall have an allowed general unsecured claim in Houston Refining's bankruptcy case.
2. Houston Refining shall undertake the following technical requirements:
  - a. Within 180 days after the effective date of this Agreed Order, identify and implement measures to ensure that all the applicable recordkeeping and control requirements of

40 CFR Part 61 Subpart FF are being met for the materials recovery and recycling operations operated by the contractor;

- b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Houston Refining. Houston Refining is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Houston Refining fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Houston Refining's failure to comply is not a violation of this Agreed Order. Houston Refining shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Houston Refining shall notify the Executive Director within seven days after Houston Refining becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Houston Refining shall be made in writing to the Executive Director. Extensions are not effective until Houston Refining receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Houston Refining in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Houston Refining, or three days after the date on which the Commission mails notice of the Order to Houston Refining, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Bergener-Pauline

For the Executive Director

9/16/09

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order may result in:

- A negative impact on Houston Refining's compliance history;
- Greater scrutiny of any permit applications submitted by Houston Refining;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees;
- Increased penalties in any future enforcement actions against Houston Refining;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Houston Refining; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Michelle Roberson

Signature

7/31/09

Date

Michelle Roberson

Name (Printed or typed)  
Authorized representative of  
Houston Refining LP

HSE Manager

Title